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17 UNITED TECHNOLOGIES CORPORATION

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NORMAN CARVETH,

Plaintiff,

v.

ALLIS-CHALMERS CORPORATION
PRODUCT LIABILITY TRUST, et al,

Defendants.

Case No. C 08-03314 SI

**JOINT STIPULATION TO DISMISS
DEFENDANT UNITED TECHNOLOGIES
CORPORATION AND TO REMAND
ACTION TO STATE COURT**

[Local Rules 7-1 and 7-12; FRCP 41]

Come now Plaintiff NORMAN CARVETH ("Plaintiff") and Defendant UNITED TECHNOLOGIES CORPORATION ("UTC"), who file the following joint stipulation pursuant to Local Rules 7-1 and 7-12:

WHEREAS, Defendant UTC removed this case to the United States District Court for the Northern District of California on July 9, 2008, on the ground that the Court has "federal officer" subject matter jurisdiction under 28 United States Code § 1442(a) based on Plaintiff's allegations that his injury was caused by products designed and manufactured by UTC under the supervision and control of the United States government;

1 WHEREAS, Defendant UTC was the sole removing defendant and no other defendant
2 joined in removal or filed a separate notice of removal;

3 WHEREAS, Plaintiff and Defendant UTC, the affected parties, have now reached a
4 resolution of Plaintiff's claims against UTC;

5 WHEREAS, Defendant UTC's desire for a federal forum for this action is now moot
6 given the resolution of Plaintiff's claims against it; and

7 WHEREAS, pursuant to the parties' resolution, Plaintiff and Defendant UTC seek to have
8 this action remanded to state court, IT IS HEREBY STIPULATED by the affected parties,
9 Plaintiff and Defendant UTC, that all claims against Defendant UTC shall be, and hereby are,
10 dismissed with prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure and that
11 this action shall be, and hereby is, immediately remanded to the San Francisco County Superior
12 Court, the court in which it was originally filed and from which it was removed.

13 DATED: October 30, 2008

BRAYTON PURCELL

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15 By: 

16 Richard Grant
17 Attorneys for Plaintiff
18 NORMAN CARVETH

19 DATED: October 30, 2008

TUCKER ELLIS & WEST LLP

20
21 By: 

22 Lance Wilson
23 Attorneys for Defendant
24 UNITED TECHNOLOGIES
25 CORPORATION
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1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** Case is REMANDED to the
2 Superior Court of California, County of San Francisco, Case. No. 274677. The Clerk shall send
3 a certified copy of this Order to the Clerk of the Court for the Superior Court of California,
4 County of San Francisco.

5
6 Dated: October __, 2008

By: _____



HONORABLE SUSAN ILLSTON

UNITED STATES DISTRICT JUDGE